



Writer's Direct Contact:  
410.783.3547  
hmsstichel@agtlawyers.com

Reply to Baltimore Office

one south street  
19<sup>th</sup> floor  
baltimore, maryland 21202  
410.783.3550  
410.783.3530 fax

washington, dc

www.agtlawyers.com

September 23, 2021

**VIA ECF**

The Honorable Catherine C. Blake  
United States District Judge  
United States District Court  
for the District of Maryland  
101 West Lombard Street  
Baltimore, Maryland 21201

Re: *Andrews v. Baltimore Police Department, et al.*,  
Civil Action No. 16-cv-2010-CCB

Dear Judge Blake:

I am writing to provide you with the Parties' Joint Status Report on discovery in the above-referenced case, pursuant to the Court's June 23, 2021 Paperless Order (ECF Doc. 111).

On June 29 and June 30, 2021, I took the depositions of the Individual Defendants, John Haley and Michael Spinnato ("Individual Defendants"). The Parties did not require any intervention by the Court with respect to the depositions.

I am in continuing discussions with Christina Carroll, who represents L3Harris Technologies ("L3Harris"), regarding the scope of a Rule 30(b)(6) deposition notice. I have been able to address most of Ms. Carroll's objections and hope to have a finalized deposition notice and a date for the deposition shortly. Should we be unable to fully agree on the scope of the deposition, I would request leave to seek a telephonic conference with the Court and counsel to obtain the Court's guidance in advance of the parties' filing formal motions regarding the scope of the deposition.

I also am in discussions with Assistant Attorney General Wendy Shiff regarding a Rule 30(b)(6) deposition of the State's Attorney's Office for Baltimore City and/or individuals relating to the Fourth Circuit's remand as to whether BPD had, at the time of its application for the Pen Register Order, any formal or informal policies, practices, or procedures that prevented BPD officers seeking a warrant or pen register/trap and trace order from stating to the reviewing magistrate that a cell site simulator would be used. John Haley testified at his deposition that the

The Honorable Catherine C. Blake  
September 23, 2021  
Page 2 of 2



Baltimore State's Attorney's Office was involved with the preparation of proposed pen register orders.

As I wrote in the June 22, 2021, Status Report, when counsel met and conferred on May 20, 2021, Baltimore Police Department and former Commissioner Kevin Davis' ("*Monell* Defendants") counsel, Natalie Amato ("Ms. Amato") and I agreed to discuss the number of depositions and deposition hours anticipated as necessary in this matter until after depositions of Individual Defendants. I duly informed Ms. Amato that, until I take Individual Defendants' and L3Harris' depositions, I would not know how many additional and required depositions and hours that may be needed. The L3Harris deposition has not occurred yet. However, *Monell* Defendants have not agreed to a specific number of depositions or hours and hereby reserve the right to challenge any such averments on these issues. After the deposition of L3Harris, Plaintiff will meet and confer with *Monell* Defendants' and Individual Defendants' counsel to discuss a further discovery plan for the case. Should the Parties require Court intervention on this issue, the Parties will inform the Court as quickly as possible.

I would propose that counsel submit a status report to the Court on or before November 23, 2021. On September 22, 2021, I circulated a draft of this letter to counsel for all defendants and Ms. Carroll. Stuart Goldberg, who represents the Individual Defendants, and Ms. Carroll responded that they had no objection to the draft. Ms. Amato informed me last week that she would have limited access to email this week. I responded to Ms. Amato that I would request on her behalf that she be given until Wednesday, September 29, 2021, to make any comments or additions to this letter.

Should the Court have any questions or concerns, the Parties encourage the Court to contact any such Parties, as necessary.

Respectfully yours,

/s/ *H. Mark Stichel*

H. Mark Stichel

cc: Counsel of Record (via ECF)  
Christina M. Carroll, Esquire (via email)  
Assistant Attorney General Wendy Shiff (via email)